

Boards of Health Tobacco Control Alliance

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The aim of this regulation is to restrict youth access to flavored tobacco products, not to prohibit adults from purchasing these products.

This regulation is not a ban on the sale of flavored tobacco products. It allows sales in adult establishments such as retail tobacco stores and smoking bars.

Menthol and other mint-flavored products do not fall under this regulation.

Flavored tobacco products are considered to be "starter" products by the U.S Food and Drug Administration and U.S Surgeon General that aid in the establishment of smoking patterns that can lead to a long-term addiction.¹

Over 90% of adult smokers started before they were eighteen years old.²

Tobacco companies use flavorings in smokeless tobacco products as part of a "graduation strategy" to encourage new users to start with flavored products with lower levels of nicotine and work their way up to more addictive products.³

If we do not take measures to protect them, 117,000 young people alive today will die early from tobacco-related illnesses.⁴

Flavored products are targeted to youth.

The Family Smoking Prevention and Tobacco Control Act (FSPTCA) is a federal law that prohibits the use of flavored cigarettes. The prohibition was established because tobacco companies were marketing flavored cigarettes specifically to minors, who were more likely to have tried these products than older smokers.^{5, 6, 7}

The FSPTCA does not restrict the sale of flavored little cigars, a popular cigarette alternative among youth. These products are still manufactured and sold at a very low cost, in colorful packaging, and in a variety of candy and fruit flavorings.

Currently, these products are widely available at corner stores and other retailers that youth frequent. They are often displayed at the checkout counter and other highly visible locations within the store right next to candy.

Flavored products are more popular among minors than among adults.

Sales of low-cost, flavored little cigars increased by 23% between 2008 and 2010, and the top three most popular cigar brands among African-American youth aged 12-17 are the flavored and low-cost Black and Mild, White Owl, and Swisher Sweets.^{8, 9}

45.6% of high school smokers in Massachusetts use flavored cigarettes (menthol) or flavored cigars.¹⁰

Younger smokers are more likely than adults to have tried flavored tobacco products, including cigars, cigarillos, and hookah.¹¹

Electronic cigarettes are included in the regulation on flavored products.

Make smoking history.
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Electronic cigarettes are widely available and are gaining in popularity among youth. Use of e-cigarettes among middle and high school students doubled from 2011-2012.¹²

There is no statewide age restriction on e-cigarettes, so children of all ages can purchase them. Nicotine is highly addictive, especially to children.¹³

E-cigarettes are unregulated, so the level of nicotine they contain varies greatly. They often contain over 10mg of nicotine, a lethal dose in children.¹⁴

E-cigarettes are sold in dozens of flavors that appeal to youth, such as cotton candy and bubble gum.¹⁴ E-hookah "pens" are e-cigarettes sold in colorful packaging, often tie-die, with flavors such as peach mango paradise and blueberry blast.

There are no excise taxes on e-cigarettes, and many are cheaper than cigarettes. While the cost of cigarettes is close to \$10 a pack, many e-cigarettes and e-hookah are sold for as low as \$5.00.

The level of nicotine and other chemicals in e-cigarettes varies greatly, and one brand may be much higher or lower than another. Disposable e-cigarettes, which are often flavored, can contain roughly the equivalent amount of nicotine as one to two packs of cigarettes.¹⁵

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